

## REMARKS

Applicants will address each of the Examiner's rejections in the order in which they appear in the Office Action.

### Claim Rejections - 35 USC §103

#### Claims 36, 51, 58

In the Office Action, the Examiner rejects Claims 36, 51 and 58 under 35 USC §103(a) as being unpatentable over Aomori et al. (US 5,504,020). This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claims 36, 51 and 58 to recite the feature of "forming a second gate wiring comprising tungsten as its main component over the gate insulating film using a second resist mask." This feature is supported by, for example, page 17, ln. 4 to page 18, ln. 9 and Fig. 2E of the present application.

In contrast, there appears to be no disclosure or suggestion in Aomori of forming a second gate wiring comprising tungsten as its main component over the gate insulating film using a second resist mask. Therefore, Aomori does not disclose or suggest the method of independent Claims 36, 51 and 58, and these independent claims and the claims dependent thereon are patentable over the cited reference. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Claims 37, 38, 39, 41, 42, 52-54, 56, 57, 60, 61, 63, 64

The Examiner also rejects Claims 37, 38, 39, 41, 42, 52-54, 56, 57, 60, 61, 63, 64 under 35 USC §103(a) as being unpatentable over Aomori in view of Takayama et al. (US 6,661,096). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claims 39, 54 and 61 in a similar manner as discussed above for Claims 36, 51 and 58.

There appears to be no disclosure or suggestion in either cited reference of this claimed feature. Therefore, the cited references do not disclose or suggest the method of independent Claims 39, 54 and 61, and these independent claims and the claims dependent thereon are patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Claims 40, 55 and 62

The Examiner also rejects Claim 40, 55 and 62 under 35 USC §103(a) as being unpatentable over Aya et al. (US 6,281,057) in view of Takayama et al. (US 6,661,096) and further in view of Ono et al. (US 5,422,209). This rejection is also respectfully traversed.

These claims are dependent claims. Accordingly, for at least the reasons discussed above for the independent claims, these dependent claims are also allowable over the cited references. Therefore, it is respectfully submitted that this rejection be withdrawn.

#### 1449 Form And Information Disclosure Statement

Attached to the Office Action is a 1449 form from the IDS filed on July 29, 2003 with the filing of the above-identified application. The Examiner has initialed the U.S. patents listed on the 1449 form but crossed out the foreign references and publications. No explanation is provided for this action.

Applicants can only speculate that perhaps the Examiner crossed out the foreign references and publications because a copy of these references was not submitted with the IDS. However, in

accordance with 37 CFR 1.98(d), a copy of these references need not be submitted if the references were previously submitted to or cited by the Patent Office in an earlier application, and (1) the prior application is properly identified in the IDS and relied upon for an earlier effective filing date under 35 USC 120 and (2) the prior IDS complies with 37 CFR 1.98.

In this case, the IDS of July 29, 2003 clearly identifies these references as having been submitted to the Patent Office or were cited by the Examiner in the parent application 09/527,437 which is being relied upon for an earlier filing date under 35 USC §120. The prior IDS also complies with 37 CFR 1.98. Hence, under 37 CFR 1.98(d), it is not necessary to submit these references, and they should be considered by the Examiner.

However, in order to advance this case, Applicants have prepared and are submitting herewith an IDS with a copy of these references. It is respectfully requested that this IDS and these references be entered and considered prior to the issuance of any further action for this application.

### Conclusion

Accordingly, for at least the above-stated reasons, the present application is in a condition for allowance and should be allowed.

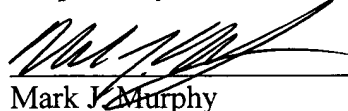
If any fee is due for this amendment, please charge our Deposit Account No. 50-1039.

Favorable reconsideration is earnestly solicited.

Date:

*June 14, 2006*

Respectfully submitted,



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